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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,555	08/28/2003	Michael Wayne Brown	AUS920010818US2	7605

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EXAMINER	
ELAHEE, MD S	
ART UNIT	**PAPER NUMBER**
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/650,555	BROWN ET AL.	
	Examiner	Art Unit	
	Md S. Elahee	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments in the 11/08/2006 remarks regarding claims 1-36 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102 in view of **Farris:**

Regarding claims 1-7, 10-18 and 23-26, the Applicant argues on pages 3,5-6 that Farris's IP does not disclose an origin device. Examiner respectfully disagrees with this argument. Since Farris's IP23 originates prompt message it is an origin device for originating the prompt message. Furthermore, the applicant didn't claim the actual physical location of the origin device.

The applicant further argues on page 5 that Farris does not disclose detecting a voice utterance at an origin device. Examiner respectfully disagrees with this argument. In col.19, lines 32-46, col.35, lines 18-27, Farris teaches that in response to IP23's prompt, caller at "Caller telephone 1_A or child C's telephony device" speaks identifying information. It clearly means that the IP23 is detecting the caller's speech.

The applicant further argues on page 6 that Farris's IP does not disclose identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call as claimed in the

present application. Examiner respectfully disagrees with this argument. In col.19, lines 65-67, col.20, lines 1-5, col.35, lines 18-27, Farris teaches that IP23 compares extracted speech information [i.e., voice utterance] with stored pattern information, to identify and authenticate the particular caller. It clearly means that the IP23 is identifying a caller identity associated with the voice utterance such that the caller identity is transmittable as an authenticated identity of the caller for a call.

Thus the rejection of the claims in view of **Farris** remain.

Claims 31, 33 and 36 are rejected for the same reasons as discussed above in view of **Farris**.

Claim rejections under 35 USC § 103 will remain for the same reasons as discussed above in view of **Farris**.

Claim Rejections - 35 USC § 102 in view of **Bates:**

Regarding claims 1, 12 and 24, the applicant further argues on page 11 that Bates' voice messaging system detects voice utterances at the voice messaging system 10, not at the terminals 42. Examiner agrees with this argument. However, examiner interprets "voice messaging system" as "origin device". It was a typo mistake to type Caller telephone as origin device. Examiner apologize for this typo mistake. In col.3, lines 41-55, 57-63, col.4, lines 3, 4, Bates teaches that in response to voice messaging system's prompt, caller at "Caller telephone" speaks

caller ID. It clearly means that the voice messaging system is detecting the caller's speech. Furthermore, the applicant didn't claim the actual physical location of the origin device.

The applicant further argues on page 12 that Bates' voice messaging system recognizes a caller's actual voice and vocally matches to a voice byte at the voice messaging system (10 on Bates' Figure 1), not at the terminals (42 on Bates' Figure 1). Examiner agrees with this argument. However, examiner interprets "voice messaging system" as "origin device". It was a typo mistake to type Caller telephone as origin device. Examiner apologize for this typo mistake. In col.3, lines 57-63, Bates teaches that voice messaging system recognizes a caller's actual voice and vocally matches to a voice byte. It clearly means that the voice messaging system is identifying the caller's speech.

Thus the rejection of the claims in view of **Bates** remain.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 10-18, 21 and 23-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Farris et al. (U.S. Patent No. 6,122,357).

Regarding claims 1, 12, with respect to Figures 1, 4, 5, Farris teaches a method for identifying a particular caller, said method comprising:

detecting a voice utterance at IP23 [i.e., an origin device] (col.11, lines 32-41, col.19, lines 32-46, col.35, lines 18-27);

identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call (col.19, lines 65-67, col.20, lines 1-5, col.35, lines 18-27).

Regarding claims 2, 13, 25, Farris teaches prompting said caller to provide said voice utterance (col.19, lines 32-46, col.35, lines 18-27).

Regarding claims 3, 14, 26, Farris teaches the method for identifying a particular caller according to claim 1, further comprising: prompting said caller to make additional attempts [i.e., enter an additional input] to verify said caller identity (col.35, lines 41-45).

Regarding claims 4, 15, 27, Farris teaches wherein identifying a caller identity further comprises:

extracting speech characteristics from said voice utterance (col.19, lines 65, 66); and

comparing said speech characteristics with a plurality of voice samples stored for identifying a plurality of callers (col.19, lines 66,67,col.20, lines 1-5).

Regarding claims 5, 16, 28, Farris teaches the method for identifying a particular caller according to claim 1, further comprising:

transmitting said voice utterance to a IP23 [i.e., third party device] via a network (fig.1; col.19, line 65, col.35, lines 21-26) ; and

receiving said caller identity from said third party device (col.20, lines 1-5, col.35, lines 26,27).

Regarding claims 6, 17, 29, Farris teaches the method for identifying a particular caller according to claim 1, further comprising:

requesting a voice sample for said particular caller from a $IP23_R$ [i.e., third party device] accessible via a network (fig.1; col.19, lines 60-63, 65, col.35, lines 21-26); and

receiving said voice sample for said particular caller for enabling authenticating of said caller identity (col.20, lines 1-5, col.35, lines 26,27).

Regarding claims 7, 18, 30, Farris teaches the method for identifying a particular caller according to claim 1, further comprising:

initiating a call from said origin device to a central office 11_1 (fig.1) [i.e., intermediary device] (col.20, lines 55-57); and

forwarding said caller identity with said call initiation to said intermediary device, wherein said intermediary device is enabled to forward said caller identity to a destination station 1_B (fig.1) [i.e., destination device] to process said call (col.20, lines 57-63).

Regarding claims 10, 21, Farris teaches the method for identifying a particular caller according to claim 1, wherein said origin device is a telephony device (fig.1).

Regarding claim 11, Farris teaches the method for identifying a particular caller according to claim 1, wherein said caller identity comprises at least one from among a caller name, a caller location, a subject of said call, and a device identification (col.19, line 40, col.35, lines 23, 24).

Claim 24 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Farris teaches a program store [i.e., recording medium] (fig.2; col.15, lines 40-47).

Claim 31 is rejected for the same reasons as discussed above with respect to claim 31. Furthermore, Farris teaches detecting a voice [i.e., biometric] input at an IP23 [i.e., biometric enabled origin device] (col.11, lines 32-41, col.19, lines 32-46, col.35, lines 18-27).

Regarding claim 32, Farris teaches the method for identifying a caller according to claim 31, wherein said biometric input comprises at least one from among an eye print, a finger print, a voice input, and a body heat scan (col.19, lines 32-46, col.35, lines 18-27).

Claims 33, 36 are rejected for the same reasons as discussed above with respect to claims 1, 5 and 6.

Regarding claim 34, Farris teaches the method for identifying a caller according to claim 33, wherein accessing a third party system further comprises: accessing said third party system via a trusted telephone network (fig.1; col.19, lines 60-63, 65, col.35, lines 21-26). (Note: trusted telephone network includes central office 11 and SS7 network (see fig.1, col.9, line 34))

Regarding claim 35, Farris teaches the method for identifying a caller according to claim 33, wherein accessing a third party system further comprises: accessing said third party system via a network comprising at least one of the Internet, an intranet, and a private line (fig.1; col.19, lines 60-63, 65, col.35, lines 21-26).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 12 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (U.S. Patent No. 6,631,181).

Regarding claims 1, 12, with respect to Figures 1-3, Bates teaches a method for identifying a particular caller, said method comprising:

detecting a voice utterance at voice messaging system (fig.1, item 10) [i.e., an origin device] (col.3, lines 41-55, 57-63, col.4, lines 3, 4);

identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call (col.3, lines 57-63).

Claim 24 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Bates teaches a program store [i.e., recording medium] (fig.1; col.4, lines 12-19).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 8, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al. (U.S. Patent No. 6,122,357) in view of Chan (U.S. Patent No. 6,925,166).

Regarding claims 8 and 19, Farris does not specifically teach "said origin device is a call center". Chan teaches that the origin device is a call center (fig.2, step 100; col.3, lines 53-57, 66, 67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farris to incorporate the origin device being a call center as taught by Chan. The motivation for the modification is to do so in order to provide outbound call from a call center to a target party.

Regarding claim 22, Farris does not specifically teach "said origin device is a computer system communicatively connected to a network enabled for voice communications". Chan

teaches that the origin device is a computer system communicatively connected to a network enabled for voice communications (fig.2, step 100; col.3, lines 53-57, 66, 67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farris to incorporate the origin device being a computer system communicatively connected to a network enabled for voice communications as taught by Chan. The motivation for the modification is to do so in order to provide outbound call from a computer system to a destination such that a computer terminal can function as calling device.

10. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al. (U.S. Patent No. 6,122,357) in view of Baker (U.S. Patent No. 5,533,109).

Regarding claims 9 and 20, Farris fails to teach "said origin device is a private exchange network". Baker teaches that the calling party device [i.e., origin device] is a PBX unit [i.e., private exchange network] (fig.1, fig.2; col.2, lines 26-55). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farris to incorporate the origin device being a private exchange network as taught by Baker. The motivation for the modification is to have the private exchange network in order to provide the multiple users as the calling party.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ME

MD SHAFIUL ALAM ELAHEE
June 22, 2007

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